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TO

Confirm a Provisional Order made by the Local Government Board for Ireland relating to the town and borough of Wexford. A.D. 1873.

WHEREAS the Local Government Board for Ireland acting under the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," have made, in relation to the town and borough of Wexford, the provisional order set forth in the schedule to this Act annexed :

And whereas a provisional order made under the authority of the said Act is not of any validity or force whatever until confirmed by Parliament :

And whereas it is expedient that the said provisional order should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The said order set forth in the schedule to this Act annexed, shall be, and the same is hereby confirmed, and all the provisions of the same shall from and after the passing of this Act have full validity and force. Order in
schedule to
be con-
firmed.

2. This Act may be cited as "The Local Government Board (Ireland) Provisional Order (Wexford) Confirmation Act, 1873." Title of the
Act.

A.D. 1872.

SCHEDULE.

TOWN AND BOROUGH OF WEXFORD.

Provisional Order transferring jurisdiction in certain matters from the Grand Jury of the county to the Town Council, and authorising a higher maximum of rating for certain purposes. 5

Whereas the mayor, aldermen, and burgesses of the borough of Wexford, acting by the town council, being the governing body of the town and borough of Wexford, duly presented to the Right Honourable Spencer Compton Cavendish, Marquis of Hartington, the chief secretary to the Lord Lieutenant of Ireland, a petition pursuant to the provisions of "The Local Government (Ireland) Act, 1871," praying that the said chief secretary would adopt measures under the provisions of the said Act of Parliament to transfer from the grand jury of the county of Wexford to the governing body of the town and borough of Wexford all jurisdiction, power, and authority with respect to roads, bridges, footpaths, or other public works within the said town, and to provide for the due payment of the balance of the grand jury cess to which said town would then in future be liable, and to authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the governing body of said town, and to enable them to defray the expenses consequent upon and incident to such transfer from the grand jury when the maximum amount of rates authorised should be insufficient to defray such expenses as aforesaid, but limiting the power of making and levying such further rates in addition to rates already authorised to be levied to two shillings in the pound sterling. 10 15 20

And whereas on the receipt of the said petition, and in pursuance of the powers in that behalf by the said Act vested in the chief secretary as aforesaid, the said chief secretary directed an inquiry in the said town and borough by Henry Robinson, Esquire, Poor Law Inspector, in respect of the several matters mentioned in the said petition, and after fourteen days' due notice of the time, place, and subject of the said inquiry, the said Henry Robinson, duly inquired in the said town and borough in respect of the said several matters mentioned in the said petition, and reported to the said chief secretary thereon, and afterwards and pursuant to "The Local Government Board (Ireland) Act, 1872," the Local Government Board for Ireland has been and is now duly established; and the said Local Government Board for Ireland having duly considered the premises, deems it expedient to issue this Provisional Order in relation to the several matters mentioned in the said petition, and in accordance with the prayer thereof; but this Order cannot be of any validity until confirmed by Act of Parliament: 25 30 35

Now, therefore, in exercise of the powers vested in the Local Government Board for Ireland by "The Local Government (Ireland) Act, 1871," and "The Local Government Board (Ireland) Act, 1872," and of all other powers and authorities in that behalf, the Local Government Board for Ireland hereby issues this Provisional Order, and hereby, directs as follows :

1. From and after the passing of any Act of Parliament confirming this Order, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said town and borough of Wexford, now vested under any Act or Acts of Parliament in the grand jury of the county of Wexford, within which county the said town and borough of Wexford is situate, shall be transferred from the grand jury of the said county of Wexford to the mayor, aldermen, and burgesses of the said town and borough of Wexford, acting by the town council, and being the governing body of the said town and borough.
2. From and after such transfer as aforesaid, no grand jury of the said county of Wexford shall make any presentment with regard to any road, bridge, footpath, or other public work within the said town and borough of Wexford, except any public work which may concern the county at large, and be chargeable thereto.
3. From and after such transfer as aforesaid, the governing body of the said town and borough of Wexford shall, within thirty days after the amount thereof shall be duly notified to them in writing in each half year by the treasurer of the said county of Wexford, lodge in the Bank of Ireland, in the name and to the credit of the treasurer for the time being of the said county of Wexford, the due and proper proportion chargeable to the said town and borough of Wexford of the charges on the said county of Wexford at large, and not being any charge in respect of which the grand jury of the said county of Wexford is herein-before prohibited from making any presentment.
4. The amount of the proportion chargeable to the borough of the charges on the said county of Wexford at large, as aforesaid, shall be proportioned to the valuation of property in the borough as compared to the valuation of property in the county; and the amount of such proportion shall be certified in detail under the hand of the secretary of the grand jury of the county, such certificate to be delivered to the town clerk at the time when the warrants for collecting are delivered to the collectors of county cess, and six weeks at least before the commencement of each assizes for the county; and the said governing body may traverse any such presentment as aforesaid in like manner as any person rated in respect of property within the borough might by law at the date of this Order traverse any such presentment as regards such property.
5. If at any time the said governing body of the said town and borough of Wexford fail within the time above specified to pay the amount of the proportion chargeable to the borough of the charges on the said county of Wexford at large as aforesaid, the power of the grand jury of the county to levy county

A.D. 1873.

cess on rateable property within the borough shall revive and be as if this Order had not been made, and the same may be exercised accordingly to the extent requisite for enforcing payment of and recovering the amount which the governing body have so for the time being failed to pay.

6. In case the grand jury shall pay to the persons, or any of them, who have 5 entered into any contract with the grand jury, any sum or sums for repair, maintenance, or otherwise, of any of the bridges, roads, or streets within the borough, at any future times, under the terms and during the continuance of such contract, it shall be lawful for the secretary of the grand jury to add, and be shall add the amount of such sum or sums to the sum to be certified by him, 10 and presented as the contribution by the borough to the county in accordance with the provisions of this Order, and such sum shall be considered for all purposes contemplated by this Order as portion of such contribution, and in default of payment thereof by the said governing body to the grand jury, the grand jury shall be at liberty to levy the amount thereof off the borough 15 as by this Order is specially provided for the levying of such contribution, the amount of such certificate or presentation to form portion of the borough rate which by this Order the said governing body are authorised to levy; and nothing in this Order shall be deemed a waiver of the right of the grand jury to recover or preclude the grand jury from recovering any county cess, apportioned 20 upon lands or houses within the borough, which may be in arrear or unpaid at or after the date of the operation of this Order.

7. Inasmuch as the maximum amount of rates which the said governing body is now authorised to make and levy is insufficient to defray the expenses consequent upon and incident to such transfer as aforesaid from the said grand 25 jury of the said county of Wexford to the said governing body of the said town and borough of Wexford, the governing body of the said town and borough of Wexford shall from and for ever after such transfer as aforesaid be authorised from time to time to make and levy in the said town and borough of Wexford, in addition to and in excess of the maximum amount of rates now 30 authorised to be made and levied by the said governing body, any further rate or rates, not exceeding in the whole in any one year the sum of two shillings in the pound, to enable the same governing body to defray such expenses as aforesaid; and such further rate and rates as are hereby authorised shall be made and levied by the said governing body in all respects as any assessments 35 or rate under or by virtue of "The Towns Improvement (Ireland) Act, 1854," may be made and levied by commissioners thereunder elected; and for such purpose the said governing body, and every justice of the peace, and other person respectively, shall have all the same and the like powers, authorities, and jurisdictions, which by the last-mentioned Act are given to any commissioners 40 thereunder elected, justice of the peace, and other person respectively, in making, levying, and enforcing respectively, payment of any assessment or rate thereunder; and all persons and premises respectively within the said town and borough shall be subject to the same and the like liability to, and entitled to the same and the like exemption from, and have the same and the 45 like right and power of appeal against any further rate or rates hereby

authorised, and proceeding for the recovery thereof respectively, as by the last-mentioned Act is given in respect of assessments and rates thereunder.

Given under our hands and seal of office, this fifteenth day of November one thousand eight hundred and seventy-two.

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A. POWER,
Vice-President.
J. McDONNELL,
R. M. BELLEW,
Commissioners.

Local Government Board
(Ireland) Provisional
Order Confirmation.

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To confirm a Provisional Order made
by the Local Government Board for
Ireland relating to the town and
borough of Wexford.

(*Prepared and brought in by
Margaret of Harrington and Mr. Butler.*)

*Ordered, by The House of Commons, to be Printed,
24 April 1878.*

[Bill 189.]

Under 1 oz.